IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

MARY PHILIPPA SLEDGE, MARY JANE PIDGEON SLEDGE TRUST, and PIDGEON SLEDGE FAMILY LIMITED PARTNERSHIP,))))	
Plaintiffs,))	No. 13-2578
v.)	NO. 13-2376
INDICO SYSTEM RESOURCES, INC and CLEAL WATTS, III)	
Defendants.)	

ORDER SETTING EVIDENTIARY HEARING

Before the Court is Defendants' Motion to Dismiss for Lack of Jurisdiction under Federal Rule of Civil Procedure 12(b)(2), filed December 3, 2013. (ECF No. 11). Plaintiffs filed their Response in Opposition to the Motion (ECF No. 13) on December 30, 2013. Defendants filed a Reply on January 23, 2014 (ECF No. 17), to which the Plaintiffs filed a Sur-Reply on January 30, 2014.

In determining matters of personal jurisdiction, the Sixth Circuit has explained that

[t]he case law establishes a settled procedural scheme to guide trial courts in the exercise of [their] discretion. If it decides that the motion can be ruled on before trial, the court "may determine the motion on the basis of affidavits alone; or it may permit discovery in aid of the motion; or it may conduct an evidentiary hearing on the merits of the motion."

¹ Serras v. First Tenn. Bank Nat'l Ass'n, 875 F.2d 1212, 1214 (6th Cir. 1989) (citing Marine Midland Bank, N.A. v. Miller, 664 F.2d 899, 904 (2d Cir. 1981)).

Although district courts retain discretion on the procedural scheme, the Court believes that an evidentiary hearing, rather than simply deciding the motion by affidavit, is most suitable in this case.

Therefore, the parties are ordered to appear at an evidentiary hearing, set for **December 2, 2014, at 3:30 p.m., in Courtroom 4 of the Federal Building**. The parties should be prepared to present testimonial and/or documentary evidence at the hearing in support of or in opposition to the Motion to Dismiss for Lack of Personal Jurisdiction.

IT IS SO ORDERED.

s/ **S. Thomas Anderson**S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: November 14, 2014